**REMARKS**

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1, 2, 4-10 and 12-15 have been rejected. Claim 1 has been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

**I. Rejection of Claims Under 35 U.S.C. 103(a)**

The rejection of claims 1, 2 and 4-15 under 35 U.S.C. 103(a) as being unpatentable over Aguera et al. (US Patent Application 2002/0119944 A2), in view of Zhou et al. (Genbank Accession No. U97105), Baracchini et al. (US Patent 5,801,154), and Taylor et al. (1999) has been maintained. The Examiner suggests that it would have been *prima facie* obvious to one of ordinary skill to make antisense sequences to target the cDNA of human collapsin response mediator protein 2 as taught by Aguera et al., for inhibition of the gene of Zhou et al. The Examiner suggests it would have been obvious to incorporate the modifications of Baracchini et al. The Examiner suggests motivation is provided by the teaching of Aguera et al. where antisense inhibition of the coding portion of SEQ ID NO: 3 is taught. The Examiner suggests a reasonable expectation of success is provided by Taylor in teaching that antisense can be made if a gene sequence is known and that one needs only to screen

3-6 oligos to find one that is active. Further, the Examiner suggests that the amendment to claim 1 which listed a nucleobase region within the coding region is essentially the entire coding region and Baracchini et al. teaches the coding region is a preferable target for antisense. Applicants respectfully traverse this rejection.

Applicants have amended the claims to recite that the antisense compounds of the instant invention are targeted to a specific nucleobase region within the coding region of human collapsin response mediator protein 2 (SEQ ID NO: 3). Support for this amendment can be found throughout the specification as filed but in particular at Table 1, pages 81-83 where it is taught that the recited nucleobase region is one that can be successfully targeted with antisense compounds of the instant invention.

The primary reference cited by the Examiner (Aguera et al.), fails to disclose antisense compounds targeted to the specific nucleobase region as now claimed. Aguera et al. disclose the use of antisense compounds to a compound that encompasses the coding region of SEQ ID NO: 3. No target region within the coding region of human collapsin mediator response protein 2 is taught or suggested by this reference. Accordingly this primary reference fails to teach or suggest the limitations of the claims as amended.

The secondary references cited, when combined with the primary reference, fail to overcome the deficiencies in teaching of the primary reference.

Zhou et al. disclose only the sequence of the gene for human collapsin response mediator protein 2. Nowhere does this citation teach or suggest antisense compounds of any type to target this gene, or their use to inhibit gene expression.

Taylor et al. (1999) disclose a method for systematically screening antisense compounds to understand gene function. Although this reference discusses how antisense compounds can be screened for activity, nowhere does this paper teach or suggest that antisense compounds targeted to a specific nucleobase region within the sequence of human collapsin response mediator protein 2 (SEQ ID NO: 3)can be used to successfully inhibit gene expression in cells as claimed.

Baracchini et al. (US Patent 5,801,154) disclose the use of antisense compounds to modulate expression of multi-drug resistance-associated protein. However, nowhere does this paper teach or suggest that antisense compounds targeted to a specific nucleobase region within the coding region of human collapsin response mediator protein 2 (SEQ ID NO: 3)can be used to successfully inhibit gene expression in cells as claimed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. MPEP 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art must teach or suggest all claim limitations. Clearly, the art as combined fails to teach the limitations of the amended claims which recite antisense compounds targeted to a specific nucleobase region within the coding region of human collapsin response mediator protein 2 (SEQ ID NO: 3). Further, the combined art fails to provide one of skill with either the expectation of success or the motivation to combine the teachings. It is only with the specification in hand that one of skill would understand how to make and use compositions of the instant invention. MPEP 2143.01 states that the mere fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness. There must some suggestion or motivation in the reference to do so. Such suggestion or motivation is clearly lacking in the combination of references cited. Accordingly, withdrawal of this rejection is respectfully requested.

**II. Rejection of Claims Under 35 U.S.C. 102/103**

Claims 1, 2, 12 and 14 have been rejected under 35 U.S.C. 102(e) and 103(a) as being anticipated and or obvious by Lennon et al. (WO 02/02620 A2). The Examiner suggests that this reference discloses a sequence that possesses 100% identity with residues 2576 through 2598 of SEQ ID NO: 3 of the instant application and would thus specifically hybridize with the instant target. Applicants respectfully traverse this rejection.

As discussed *supra*, Applicants have amended the claims to recite that the antisense compounds are targeted to nucleobases 1345 through 1474 of the coding region of SEQ ID NO: 3. This region does not include the region suggested by the Examiner to be overlapped by the prior art reference, nucleobases 2576 through 2598. Accordingly, this reference fails to teach or suggest the limitations of the claims as amended and cannot anticipate nor make obvious the instant invention (MPEP 2131 and 2143). Accordingly, withdrawal of this rejection is respectfully requested.

**III. Conclusion**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

Jane Massey Licata
Registration No. 32,257

Date: **February 24, 2004**

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, NJ 08053

856-810-1515